

EXHIBIT A

Francis, Mark

From: Muino, Daniel P. [DMuino@mofo.com]
Sent: Tuesday, August 09, 2011 9:58 PM
To: Francis, Mark; Marc D. Peters
Cc: Oracle MoFo Service List; Oracle-Google@BSFLLP.com; dalvik-KS; DALVIK-KVN@kvn.com
Subject: Oracle/Google: Google's Topic 11 re '520 and '720 patents
Follow Up Flag: Follow up
Flag Status: Completed
Attachments: 2011.08.05 Joint Letter to Mag. Judge Ryu re Ongoing Discovery Disputes.pdf

Mark,

We are responding to Google's proposal regarding Google's Topic 11, set forth under issue II.6 in the August 5 joint letter: "Oracle provided a witness for the '104 and '205 patent, but stated it could not locate a witness who could testify about the '520 and '720 patents. Google is willing to accept Oracle's position if it represents to this Court that it will not present any witness at trial to testify regarding conception, reduction to practice, or actual use of the '520 and '720 patents."

As we previously stated, we cannot locate a witness currently employed by Oracle who can testify based on personal knowledge as to the conception, reduction to practice, or actual use of the inventions of the '520 and '720 patents. Under Judge Alsup's Supplemental Order, Oracle is not required to educate a witness to testify on this topic. We can confirm that we will not present an Oracle employee or officer at trial to testify regarding the conception, reduction to practice, or actual use of the inventions of the '520 and '720 patents. We reserve the right, of course, to present testimony on these subjects from our experts, the inventors (Messrs. Yellin, Tuck, and Fresko), and other former Oracle/Sun personnel with knowledge of the patented inventions.

With this representation, please confirm that this issue is now resolved. Thanks.

Daniel P. Muino

Morrison & Foerster LLP
425 Market Street | San Francisco, CA 94105
415.268.7475 | 415.268.7522 fax
dmuino@mofo.com | www.mofo.com

To ensure compliance with requirements imposed by the IRS, Morrison & Foerster LLP informs you that, if any advice concerning one or more U.S. Federal tax issues is contained in this communication (including any attachments), such advice is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

For information about this legend, go to
<http://www.mofo.com/Circular230/>

=====
This message contains information which may be confidential and privileged. Unless you are the addressee (or authorized to receive for the addressee), you may not use, copy or disclose to anyone the message or any information contained in the message. If you have received the message in error, please advise the sender by reply e-mail @mofo.com, and delete the message.

11/29/2011